

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jamie Gaines,	:	
	:	
Petitioner	:	Civil Action 2:07-cr-00239
	:	
v.	:	Judge Smith
	:	
United States of America,	:	Magistrate Judge Abel
	:	
Respondent	:	

ORDER

Petitioner Jamie Gaines brings this action under 28 U.S.C. §2255 challenging his conviction for possessing with intent to distribute over 500 grams of cocaine. This matter is before the Court on Magistrate Judge Abel's December 4, 2013 Report and Recommendation that the petition for writ of habeas corpus under 28 U.S.C. §2255 be dismissed for failure to file the petition within the one-year period of limitation created by 28 U.S.C. §2244(d)(1).

No objections to the Report and Recommendation have been filed. On January 15, 2013, petitioner Gaines sent a letter to the Court stating that he had decided to pursue a Rule 35(b) motion to reduce his sentence and to forgo further litigation of his §2255 motion to vacate sentence (doc. 43).

Accordingly, the §2255 motion to vacate sentence is deemed withdrawn. This action is hereby DISMISSED without prejudice. The Clerk of Court is DIRECTED to enter JUDGMENT dismissing the §2255 motion to vacate sentence without prejudice.

_____/s/ George C. Smith
George C. Smith
United States District Judge